



Signed and Filed: September 22, 2023

Lewis Montali

**DENNIS MONTALI
U.S. Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

ORDER DENYING MOTION TO ALLOW LATE CLAIM

On September 6, 2023, Movant Jorge Hernandez Ruiz ("Movant") filed a letter to the court that the court will deem to be a Motion to File Late Claim ("Late Claim Motion") (Dkt. 14011). The Late Claim Motion seeks to have Proof of Claim Number 109890, filed on July 17, 2023, to be timely filed.

On September 19, 2023, Cathy Yanni, in her capacity as the Fire Victim Trustee ("Trustee"), filed an Objection to the Late

1 Claim Motion ("Objection") (Dkt. 14022). No hearing on the Late
2 Claim Motion has been scheduled. For the reasons set forth
3 below, the court SUSTAINS the Objection and DENIES the Late
4 Claim Motion.

5 **I. Discussion**

6 A bankruptcy court may, on motion of a claimant filed after
7 the applicable deadline, deem a late claim to be timely filed if
8 the delay "was the result of excusable neglect." Fed. R. Bankr.
9 Pro. 9006(b) (1). The decision regarding whether a late claim
10 was the result of excusable neglect "is at bottom an equitable
11 one, taking account of all relevant circumstances surrounding
12 the party's omission." *Pioneer Inv. Services Co. v. Brunswick
13 Associates Ltd. Partnership*, 507 U.S. 380, 395 (1993).
14 Circumstances include "the danger of prejudice to the debtor,
15 the length of the delay and its potential impact on judicial
16 proceedings, the reason for the delay, including whether it was
17 within the reasonable control of the movant, and whether the
18 movant acted in good faith." *Id.* The court may weigh each these
19 factors in its discretion.

20 Neither the Trustee nor the court doubt the Movant's good
21 faith. The court considers the remaining *Pioneer* factors below
22 and incorporates in this Order its reasoning from its previous
23 Orders Denying Motions to File Late Claims (Dkts. 13377, 13490,
24 13691, 13945) ("Orders Denying Motions"). Those four Orders
25 Denying Motions make clear that the Fire Victim Trust ("FVT")
26 would be prejudiced by the granting of the Late Claim Motion and
27 that the length of Movant's delay in filing the Proof of Claim
28

1 is extreme (here, more than 43 months after the Extended Bar
2 Date).

3 Specific to this Late Claim Motion, Movant provides no
4 reason why he was unable to file the Proof of Claim until July
5 2023 or how this delay constitutes excusable neglect. The only
6 explanation Movant provides is that he "wasn't aware of PG&E
7 bankruptcy case No. 19-30088." The court reiterates, as it
8 explained in its prior Orders Denying Motions, that the Debtors
9 engaged in a comprehensive campaign to provide notice to
10 Wildfire Claimants in the North Bay, California, and across the
11 United States in both English and Spanish. The Debtors could
12 not control whether Movants chose not to believe or to heed
13 those notices, and creditors are deemed to have received notice
14 of the bankruptcy. Movant's general statement that he was not
15 aware of the bankruptcy is insufficient to overcome that notice.

16 Finally, and also specific to this case, the Trustee's
17 Objection states that "[t]he Trustee announced on July 15, 2023
18 that effective Friday, September 15, the Trust will no longer
19 accept new Claims Questionnaires. No claim can be administered
20 without a filed Claims Questionnaire." While the court is
21 unclear whether the Movant's failure to submit a Claims
22 Questionnaire by the September 15, 2023 deadline would be fatal
23 to his Proof of Claim had the court granted this Late Claim
24 Motion, it also need not reach the question, as Movant has not
25 met his burden of persuasion to deem his Proof of Claim timely.

26 **II. Conclusion**

27 For the reasons stated above, the court hereby SUSTAINS the
28 Trustee's Objection and DENIES the Late Claim Motion. The Proof

1 of Claim associated with the Late Claim Motion shall not be
2 deemed timely filed and is thus disallowed.

3 ****END OF ORDER****

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT SERVICE LIST

Jorge Hernandez Ruiz
1507 Dutton Avenue
Santa Rosa, CA 95407